

Commission Task Force on Policing and Civil Rights **Progress Update**

November 17, 2020



OVERVIEW OF MOTION 2020-15

Commission Motion 2020-15

- Adopted on July 14, 2020
- It did three main things:
 1. Endorsed immediate steps taken by Executive Director to reform Port police policies and practices such as an immediate ban on chokeholds and ensuring officers receive regular de-escalation training, bystander intervention and anti-discrimination training
 2. Directed a comprehensive assessment of the Port of Seattle Police Department to ensure alignment with the highest national standards and best practices related to policing
 3. Established a Commission Task Force on Port Policing and Civil Rights to lead the assessment and develop recommendations for action

Areas for Assessment

1. Diversity in Recruitment and Hiring
2. Training and Development
3. Equity
4. Use of Force
5. Oversight and Accountability
6. Police Union Participation
7. Budget, Roles, and Equipment
8. Mutual Aid
9. Advocacy

Key Dates

- **By October 31, 2020** – First Task Force Progress Report and recommendations for immediate actions
 - **Ongoing** – As recommendations are developed, the Task Force Co-Chairs shall submit a report to the Commission and Executive Director
 - 90 days review period
 - Within 6 months response to recommendations
- **By July 31, 2021** – Deliver Final Recommendations to Commission
- The Task Force *shall collect and review existing research, data, and best practices* from similar assessments and reports completed throughout the country, as well as remain coordinated with current local and state efforts in order to maximize efficiency and alignment.
- The Task Force *shall establish key metrics for evaluation of success for this process*, and metrics for measurement of progress toward any resulting recommendations.

Task Force Leadership

Task Force Co-Chairs

- Bookda Gheisar, Senior Director of Equity, Diversity and Inclusion
- Delmas Whittaker, Senior Manager of Fishing Vessel Services; President of the Port's chapter of Blacks in Government (BIG)

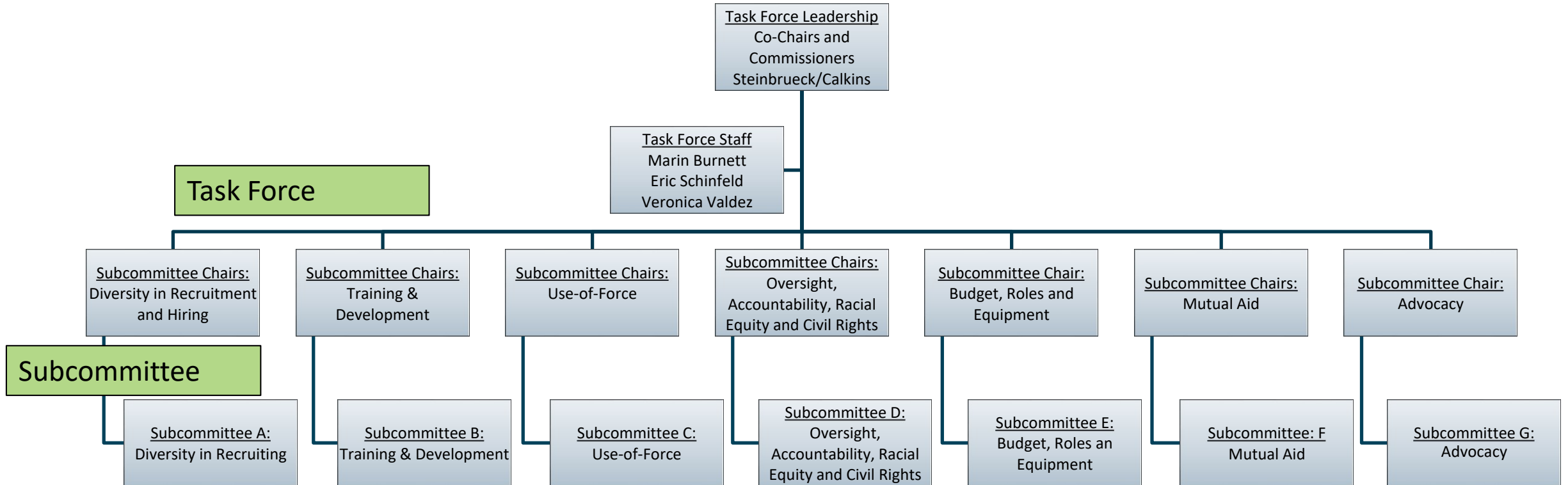
Task Force Commissioners:

- Commissioner Peter Steinbrueck
- Commissioner Ryan Calkins

Task Force Members

1. **Marin Burnett** – Port of Seattle, Strategic Initiatives, Strategic Planning Manager
2. **Milton Ellis** – Port of Seattle, Labor Relations, Labor Relations Manager
3. **Sean Gillebo** – Port of Seattle Police Department, Commander
4. **Monisha Harrell** – Equal Rights Washington, Chair
5. **John Hayes** – Seattle Police Department, Captain
6. **Jesse Johnson** – Washington State Representative
7. **Deborah Jacobs** – King County Office of Law Enforcement Oversight, Director
8. **Anne Levinson** – Retired Judge, Deputy Mayor, and police accountability Oversight Auditor
9. **Sofia Mayo** – Port of Seattle, Central Procurement Office, Senior Manager Service Agreements
10. **Sam Pailca** – Microsoft, Associate General Counsel, Office of Legal Compliance; Board Member of ACLU Washington
11. **Eric Schinfeld** – Port of Seattle, External Affairs, Senior Manager, Federal and International Government Relations
12. **Ericka Singh** – Port of Seattle Human Resources, Talent Acquisition Manager
13. **Jessica Sullivan** – REI, Corporate Security and Emergency Manager; retired Captain, King County Sheriff's Office
14. **Veronica Valdez** – Port of Seattle, Commission Office, Commission Specialist
15. **Michelle Woodrow** – Teamsters, Local 117, President and Executive Director
16. **Shaunie Wheeler** – Teamsters, Local 117, Political & Legislative Director Joint Council of Teamsters No. 28

Task Force Structure



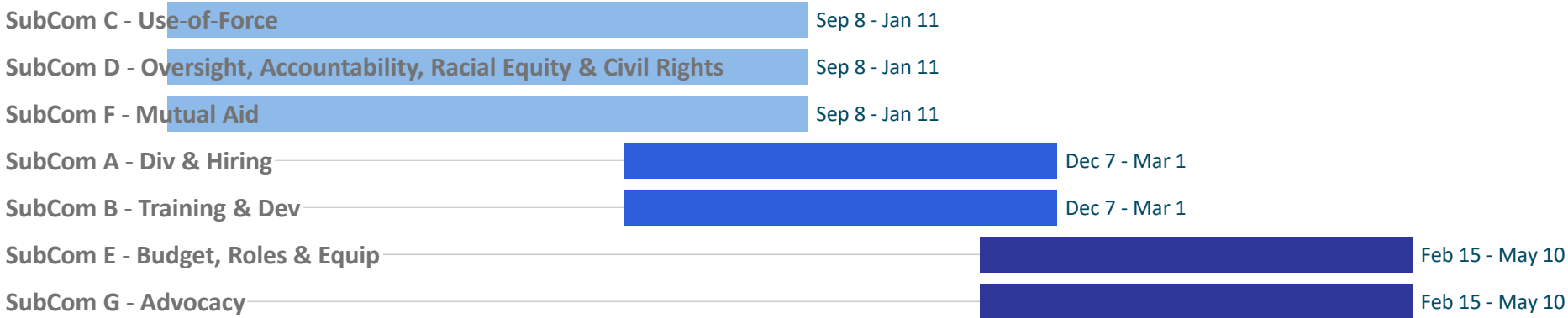
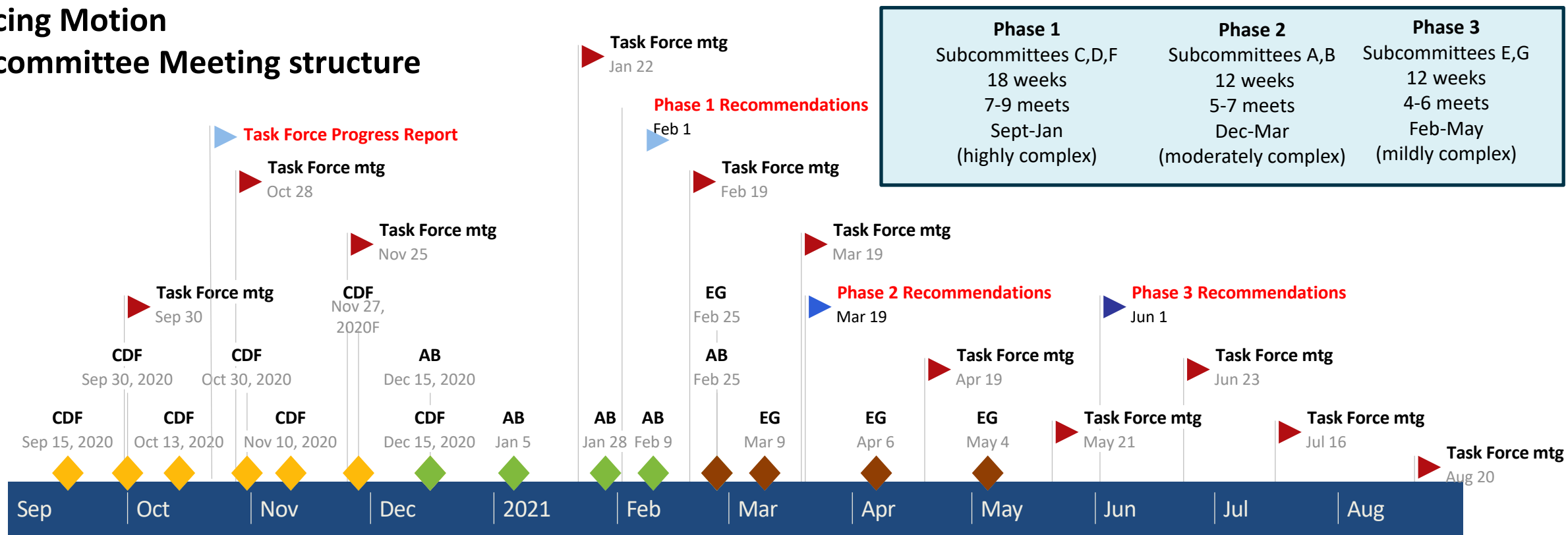
- Each member of the Task Force (excluding Commissioners, Co-Chairs and staffers) will lead a subcommittee

Consultant

21CP Solutions

- Selected through a rigorous RFP process, 21CP was formed by members of President Obama's Task Force on 21st Century Policing
- 21CP Solutions “helps cities and communities effectively tackle the challenges of delivering safe, effective, just, and constitutional public safety services in the 21st Century.”
- Role of consultant:
 - Conduct analysis of police department policies, practices and programs
 - Facilitate subcommittee meetings
 - Prepare reports, minutes and recommendations

Policing Motion Subcommittee Meeting structure



Note: Due to anticipated variances in the complexity of certain issues, subcommittees have varying numbers of meetings. All timelines/dates are tentative. Subcommittees are activated at their allotted start time, but may be disbanded before or after the estimated dates depending on necessity.

Policing Assessment Initial Areas of Focus

Use of Force

- The department has approximately 30 uses of force annually.
 - Most involved weaponless force techniques, such as physical take downs, punches and knee strikes.
 - Between 2017-2019, there were seven Taser deployments, no 40mm less lethal launcher deployments, one use of a baton, and one use of OC spray.
 - Additionally, there was one officer-involved shooting while the officer was assigned to Valley SWAT for an Auburn, WA call-out.
 - By far, pointing of a firearm and application of leg restraints were the most frequent force events, accounting for between 6 to 11 of the approximately 30 annual use of force events.
- The Vascular Neck restraint was introduced to the department in 2018, and two applications occurred in 2018 and seven applications in 2019. During these applications four subjects lost consciousness. This technique is now prohibited.
- Use of Force Incidents by Race of Suspect:

Suspect Race	2017	2018	2019
White	51%	52%	60%
Black	44%	42%	30%
Other	5%	6%	10%

Use of Force Initial Impressions*

- The POSPD needs a clear policy that mandates de-escalation, in order to hold officers accountable who do not de-escalate when they should, or whose actions might affirmatively escalate a situation.
- Police policies should more clearly indicate a commitment to valuing and upholding the sanctity of human life, and the connection of those values with its Use of Force policy.
- The use of force policy should require “reasonable, necessary, and proportional force.”
- The use of force policy should require a warning, when feasible, before using lethal force.

**Some of these items are already being addressed.*

Oversight, Accountability, Equity & Civil Rights

Oversight & Accountability

- There were an average of 31 inquiries and complaints per year, for the years 2015 - 2019.
- Over two thirds of those 31 concerns involved “inquiries,” which are allegations that, even if true, would not involve a violation of policy.

Racial Equity & Civil Rights

- This subcommittee will also be responsible for helping the Task Force develop a framework for racial equity in Port policing that will be applied to all analysis in the various subcommittees.

Oversight, Accountability, Equity & Civil Rights

Initial Impressions

- The complaint classification scheme is unnecessarily technical, terms used are not consistently well defined, and the assignment system does not serve quality control goals.
- Timelines should be set for individual steps throughout the investigation process.
- The Standards of Conduct incorporated into POSPD policy are disorganized and confusing, and are not placed into context with the Port's Code of Conduct.
- There is no clear protocol for handling conflict of interest issues that can occur with misconduct complaint processing.

Mutual Aid

- Mutual aid generally refers to agreements under state law (the Washington Mutual Aid Peace Officers Powers Act and the Interlocal Cooperation Act) – broadly, any cooperation with other law enforcement agencies.
- Port Police have multiple agreements in place with other South King County cities:
 - Interlocal Cooperative Agreement Valley Special Response Team; Valley Independent Investigative Team; Valley Civil Disturbance Unit
 - Purposes range from responding to high-risk incidents such as hostage situations and high risk felony arrests to investigating most serious incidents involving other jurisdictions' police officers.
- POSPD also has other, ad hoc relationships with neighboring jurisdictions

Mutual Aid Initial Impressions

- It is not clear how broadly the term “mutual aid” is used by POSPD in its policies and enforcement practices.
- When the POSPD engages in mutual aid involving noticed events, at the Port or in other jurisdictions, incident planning documents and after-action reports should provide perspective in assessing these events.
- Mutual aid agreements should clearly indicate that POSPD officers are bound by POSPD Policies.
- Mutual aid agreements and requests should address limitations on less-lethal tools or other use of force tactics other jurisdictions can employ when working with the Port in response to a Port request for aid.